

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

MARK ALBERT BARRERA,

Defendant and Appellant.

H034755

(Monterey County
Super. Ct. No. SS092041)

I. INTRODUCTION

Defendant Mark Albert Barrera pleaded guilty to one felony count of forgery (Pen. Code, § 470, subd. (d))¹ and admitted the allegations that he had one prior serious or violent felony conviction within the meaning of the Three Strikes law (§§ 667, subd. (b)-(i); 1170.12, subd. (c)) and had served one prior prison term (§ 667.5, subd. (b)). The trial court sentenced defendant to a total term of five years in the state prison.

Defendant filed a timely notice of appeal, and we appointed counsel to represent him in this court. Appointed counsel has filed an opening brief that states the case and facts but raises no issue. We notified defendant of his right to submit written argument on his own behalf within 30 days. The 30-day period has elapsed and we have received no response from defendant.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106, we have reviewed the entire record. Following the California Supreme Court's direction in *People v. Kelly, supra*, 40 Cal.4th at page 110, we provide "a brief description of the . . . procedural history of the case, the crimes of which the defendant was convicted, and the punishment imposed."

II. FACTUAL AND PROCEDURAL BACKGROUND

On August 27, 2009, defendant entered a check cashing business, California Check Cashing, and attempted to pass an altered, forged check in the amount of \$2,700. A criminal complaint was filed on August 31, 2009, that charged defendant with commercial burglary (§ 459; count 1) and forgery (§ 470, subd. (d); counts 2-5). The complaint also alleged that defendant had served five prior prison terms. (§ 667.5, subd. (b).) On September 11, 2009, the People orally amended the complaint to allege a prior serious or violent felony conviction within the meaning of the Three Strikes law (§§ 667, subd. (b)-(i); 1170.12, subd. (c)) for burglary (§ 459).

Defendant subsequently entered into a plea agreement in which he pleaded guilty on September 11, 2009, to one count of forgery (§ 470, subd. (d); count 2) and admitted the allegations of one prior serious or violent felony conviction within the meaning of the Three Strikes Law and one prior prison term.

The trial court imposed a sentence of four years on count 2 (the middle term of two years, doubled under the Three Strikes Law) and a consecutive sentence of one year for the prior prison term. The trial court also ordered defendant to pay a \$200 restitution fine (§1202.4), suspended the imposition of a \$200 parole revocation restitution fine (§ 1202.45), and additionally ordered defendant to pay a court security fee of \$30 (§ 1465.8, subd.(a)(1)) and a court facilities assessment of \$30 (Gov. Code, § 70373).

On September 15, 2009, defendant filed a timely notice of appeal.

An amended notice of appeal was filed on October 1, 2009. Having carefully reviewed the entire record, we conclude that there are no arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-443.)

III. DISPOSITION

The judgment is affirmed.

BAMATTRE-MANOUKIAN, ACTING P.J.

WE CONCUR:

MIHARA, J.

DUFFY, J.